

# **EXHIBIT 116**

## **Excerpts of Deposition of Lorenzo J. Fertitta**

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

Cung Le, Nathan Quarry, Jon )  
Fitch, on behalf of )  
themselves and all others )  
similarly situated, )  
 )  
Plaintiffs, )  
 )  
v. ) Lead Case No.  
 ) 2:15-cv-01045-RFB-(PAL)  
Zuffa, LLC, d/b/a Ultimate )  
Fighting Championship and )  
UFC, )  
 )  
Defendant. )  
\_\_\_\_\_ )

C O N F I D E N T I A L

VIDEOTAPED DEPOSITION OF LORENZO J. FERTITTA

Las Vegas, Nevada

March 23, 2017

9:09 a.m.

REPORTED BY:  
CYNTHIA K. DuRIVAGE, CSR #451  
JOB NO. 49608

LORENZO J. FERTITTA - CONFIDENTIAL

<p style="text-align: right;">162</p> <p>1 contest, and they turn that down, then we would get 2 additional time to be able to perform on our end of 3 the contract. 4 <b>Q. So the contract is extended, effectively?</b> 5 A. It extends, correct. 6 <b>Q. Okay. And then, does Zuffa, say, from 2009</b> 7 <b>to August of 2016, did it from time to time renew</b> 8 <b>contracts with fighters?</b> 9 A. Yes. 10 <b>Q. And can you think of any instances where a</b> 11 <b>fighter completed the term of his or her contract;</b> 12 <b>that is, the time period or the number of fights were</b> 13 <b>completed as specified in the contract?</b> 14 A. Yes. 15 <b>Q. And how many of those are there that you</b> 16 <b>can think of?</b> 17 A. There's quite a bit. I can specifically 18 remember some examples for you. 19 Alistar Overeem being one. I believe 20 Gilbert Melendez was one. Benson Henderson is 21 another. 22 <b>Q. With respect to those fighters that did not</b> 23 <b>complete the full term of their contract, like the</b> 24 <b>three that you've identified thus far, would Zuffa</b> 25 <b>generally seek to renew a contract before the term</b></p>	<p style="text-align: right;">164</p> <p>1 And, you know, certainly, if it was a 2 fighter that we were interested in going forward and 3 wanting to have them fight for us, we would be 4 willing to sit down with them and offer a new set of 5 terms for a new contract. 6 <b>Q. With respect to the three fighters that you</b> 7 <b>referred to, Overeem, Melendez, and Henderson, whom</b> 8 <b>you believe completed their contracts, were the</b> 9 <b>contracts that you were referring to with Zuffa or</b> 10 <b>some other organization that Zuffa acquired?</b> 11 A. So with Alistar Overeem, I believe it was a 12 Zuffa contract. With Benson Henderson, it was a 13 Zuffa contract. 14 I can't remember if Gilbert Melendez was 15 fighting under a Forza contract, a Zuffa contract, or 16 a Strikeforce contract. 17 You know, there's also others. You know, 18 Phil Davis, I know, completed his -- fought out his 19 UFC contract. So it happened. And that's obviously 20 up to the fighter. I mean, it's their decision. 21 <b>Q. I'm sorry. What's their decision?</b> 22 A. Whether or not to finish out their 23 contract. 24 <b>Q. Well, it could -- that decision could</b> 25 <b>depend on any number of factors, such as them getting</b></p>
<p style="text-align: right;">163</p> <p>1 expired? 2 MR. ISAACSON: Objection. I thought he 3 named people who did, that did complete the term. 4 MR. DELL'ANGELO: He said with the 5 exception of the three that he had -- 6 MR. ISAACSON: He said -- 7 MR. DELL'ANGELO: I'll withdraw the 8 question. 9 MR. ISAACSON: No, he said with respect -- 10 MR. DELL'ANGELO: I'll withdraw the 11 question and restate it. Thank you. 12 BY MR. DELL'ANGELO: 13 <b>Q. So with the exception of the three</b> 14 <b>individuals whom you've identified, Mr. Melendez,</b> 15 <b>Mr. Henderson, and Mr. Overeem, did Zuffa generally</b> 16 <b>seek to renew fighters' contracts before the term was</b> 17 <b>completed?</b> 18 A. Yes. 19 <b>Q. And why so?</b> 20 A. As a general business practice, one of the 21 things that we would do was, I think which any 22 business would do, you would look to see how many 23 fights are left on a fighter's contract, how much 24 time and what the term is left on the fighter's 25 contract.</p>	<p style="text-align: right;">165</p> <p>1 <b>another bout, correct, meaning -- that is, meaning</b> 2 <b>that the fighter may be asked to extend the contract</b> 3 <b>before he or she is provided with a bout or a bout</b> 4 <b>agreement under the existing contract, correct?</b> 5 MR. ISAACSON: Objection to form, vague. 6 THE WITNESS: Well, no, that wouldn't be 7 the case. Otherwise, Alistar, Gilbert, Phil Davis, 8 Benson wouldn't have completed their contract. 9 BY MR. DELL'ANGELO: 10 <b>Q. It wouldn't be the case with respect to</b> 11 <b>them, but what about with others whom Zuffa had</b> 12 <b>contracts with?</b> 13 A. No, that was not our general practice. 14 <b>Q. When you say, "general practice," what do</b> 15 <b>you mean?</b> 16 A. What I mean is that we were contracted for, 17 as we mentioned, a number of fights that also 18 included a number of fights over a term, over a time 19 period. 20 It was our practice to not breach contracts 21 and live up to the contracts that we signed. That's 22 what I mean by that. 23 <b>Q. I see. I guess, though, with respect to</b> 24 <b>renewals, aren't we really talking about a different</b> 25 <b>thing; that is, the general practice that you've --</b></p>

LORENZO J. FERTITTA - CONFIDENTIAL

<p style="text-align: right;">166</p> <p>1 as you've used that term -- the general practice of</p> <p>2 re-signing a fighter to a new contract before it</p> <p>3 expires versus breaching a contract are really</p> <p>4 different things, aren't they?</p> <p>5 MR. ISAACSON: Objection, form,</p> <p>6 argumentative.</p> <p>7 THE WITNESS: Clearly, they are two</p> <p>8 different things, yes.</p> <p>9 So our intention was not to breach</p> <p>10 contracts, and yes, we did offer, many times,</p> <p>11 fighters who were not done with their contract new</p> <p>12 contracts. But also, many times, fighters approached</p> <p>13 us and said they wanted a new contract before their</p> <p>14 contract term was complete as well.</p> <p>15 BY MR. DELL'ANGELO:</p> <p>16 Q. Mr. Fertitta, I'm handing to the</p> <p>17 reporter -- I'm going to cause to be handed to the</p> <p>18 reporter what will be marked as Exhibit 24.</p> <p>19 (Exhibit 24 was marked for</p> <p>20 identification by the reporter.)</p> <p>21 BY MR. DELL'ANGELO:</p> <p>22 Q. So I will represent to you, Mr. Fertitta,</p> <p>23 that Exhibit 24 is a series of text messages that</p> <p>24 were produced by Zuffa's counsel in the litigation,</p> <p>25 and the exhibit begins at ZFL-1897652.</p>	<p style="text-align: right;">168</p> <p>1 Q. And he is somebody that you dealt with in</p> <p>2 your capacity at Zuffa?</p> <p>3 A. Yes.</p> <p>4 Q. Do you recall that Mr. Attar represented a</p> <p>5 fighter Mike Bisping?</p> <p>6 A. Yes, he does.</p> <p>7 Q. Okay. Did you have communications with</p> <p>8 Mr. Attar regarding his representation of Mr. Bisping</p> <p>9 in your capacity at Zuffa?</p> <p>10 A. Bisping was not one of the fighters that I</p> <p>11 typically took the lead on. That was, for whatever</p> <p>12 reason, more Dana. I dealt with Audie primarily</p> <p>13 because he represented Conor McGregor. That was the</p> <p>14 fighter that I dealt with primarily with Audie.</p> <p>15 I mean, I may have had conversations, I</p> <p>16 probably did have some conversations with him at some</p> <p>17 point about Michael Bisping, but Michael was one of</p> <p>18 the fighters that had a better relationship with</p> <p>19 Dana White.</p> <p>20 Q. Okay. Returning to page</p> <p>21 174 of 178 on Exhibit 24, would you turn your</p> <p>22 attention, please, to the fourth row from the bottom.</p> <p>23 And you'll see in the front column, it</p> <p>24 says, "Audie Attar," and then, the "To" reflects your</p> <p>25 phone number, the [REDACTED]</p>
<p style="text-align: right;">167</p> <p>1 Would you just look at the second row of</p> <p>2 the first column of the document, you'll see the text</p> <p>3 in the box is plus [REDACTED]</p> <p>4 Do you see that?</p> <p>5 A. Yes.</p> <p>6 Q. Is that your telephone number?</p> <p>7 A. Yes.</p> <p>8 Q. And is that telephone number associated</p> <p>9 with a device that you used to send and receive texts</p> <p>10 in your capacity as an owner or executive at Zuffa?</p> <p>11 A. Yes.</p> <p>12 Q. So would you turn to page what is numbered</p> <p>13 174 of the document, the control number is</p> <p>14 ZFL-1897825.</p> <p>15 And can you tell me who Audie Attar is?</p> <p>16 A. I'm sorry, what was the page number?</p> <p>17 Q. It's page 174 of the document. The control</p> <p>18 number is ZFL-1897825.</p> <p>19 MR. ISAACSON: 174 of 178.</p> <p>20 BY MR. DELL'ANGELO:</p> <p>21 Q. While you're doing that, that who is</p> <p>22 Audie Attar?</p> <p>23 A. Audie Attar is a manager of mixed martial</p> <p>24 arts fighters. And I think he manages some</p> <p>25 professional athletes in other sports, football.</p>	<p style="text-align: right;">169</p> <p>1 A. Yes.</p> <p>2 Q. Do you see that?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. If you move over to the column</p> <p>5 marked "Text" --</p> <p>6 A. Yes.</p> <p>7 Q. -- in the far right end of the page.</p> <p>8 A. Yes.</p> <p>9 Q. It says:</p> <p>10 "Hi Lorenzo. Joe Silva told me to</p> <p>11 reach out to you and Dana regarding</p> <p>12 Mike Bisping. He said Mike needs to</p> <p>13 sign an extension before he books</p> <p>14 his next fight because he has one</p> <p>15 fight remaining on his current</p> <p>16 contract. Please let me know if</p> <p>17 you're available to meet in the</p> <p>18 coming weeks. I'd be happy to fly</p> <p>19 in for the day if need be. Hope you</p> <p>20 are well. Audie Attar."</p> <p>21 Do you see that?</p> <p>22 A. Yes.</p> <p>23 Q. Do you recall whether or not you met with</p> <p>24 Mr. Attar regarding the extension of Mr. Bisping's</p> <p>25 contract?</p>

43 (Pages 166 to 169)

## LORENZO J. FERTITTA - CONFIDENTIAL

302	304
<p>1</p> <p>2 STATE OF _____ )</p> <p>3 ) :ss</p> <p>4 COUNTY OF _____ )</p> <p>5</p> <p>6</p> <p>7 I, LORENZO J. FERTITTA, the</p> <p>8 witness herein, having read the foregoing</p> <p>9 testimony of the pages of this deposition,</p> <p>10 do hereby certify it to be a true and</p> <p>11 correct transcript, subject to the</p> <p>12 corrections, if any, shown on the attached</p> <p>13 page.</p> <p>14</p> <p>15 _____</p> <p>16 LORENZO J. FERTITTA</p> <p>17</p> <p>18</p> <p>19</p> <p>20 Sworn and subscribed to before</p> <p>21 me, this _____ day of</p> <p>22 _____, 2017.</p> <p>23</p> <p>24 _____</p> <p>25 Notary Public</p>	<p>1 INSTRUCTIONS TO WITNESS</p> <p>2</p> <p>3 Please read your deposition over carefully</p> <p>4 and make any necessary corrections. You should state</p> <p>5 the reason in the appropriate space on the errata</p> <p>6 sheet for any corrections that are made.</p> <p>7 After doing so, please sign the errata sheet</p> <p>8 and date it.</p> <p>9 You are signing same subject to the changes</p> <p>10 you have noted on the errata sheet, which will be</p> <p>11 attached to your deposition.</p> <p>12 It is imperative that you return the original</p> <p>13 errata sheet to the deposing attorney within thirty</p> <p>14 (30) days of receipt of the deposition transcript by</p> <p>15 you. If you fail to do so, the deposition transcript</p> <p>16 may be deemed to be accurate and may be used in court.</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
303	305
<p>1 CERTIFICATE OF REPORTER</p> <p>2 I, Cynthia K. DuRivage, a Certified</p> <p>3 Shorthand Reporter of the State of Nevada, do hereby</p> <p>4 certify:</p> <p>5 That the foregoing proceedings were taken</p> <p>6 before me at the time and place herein set forth;</p> <p>7 that any witnesses in the foregoing proceedings,</p> <p>8 prior to testifying, were duly sworn; that a record</p> <p>9 of the proceedings was made by me using machine</p> <p>10 shorthand which was thereafter transcribed under my</p> <p>11 direction; that the foregoing transcript is a true</p> <p>12 record of the testimony given.</p> <p>13 I further certify I am neither financially</p> <p>14 interested in the action nor a relative or employee</p> <p>15 of any attorney or party to this action.</p> <p>16 Reading and signing by the witness was</p> <p>17 requested.</p> <p>18 IN WITNESS WHEREOF, I have this date</p> <p>19 subscribed my name.</p> <p>20 Dated: April 6th, 2017</p> <p>21</p> <p>22</p> <p>23 _____</p> <p>24 CYNTHIA K. DuRIVAGE</p> <p>25 CCR No. 451</p>	<p>1 E R R A T A</p> <p>2</p> <p>3</p> <p>4</p> <p>5 I wish to make the following changes,</p> <p>6 for the following reasons:</p> <p>7</p> <p>8 PAGE LINE</p> <p>9 _____ CHANGE: _____</p> <p>10 REASON: _____</p> <p>11 _____ CHANGE: _____</p> <p>12 REASON: _____</p> <p>13 _____ CHANGE: _____</p> <p>14 REASON: _____</p> <p>15 _____ CHANGE: _____</p> <p>16 REASON: _____</p> <p>17 _____ CHANGE: _____</p> <p>18 REASON: _____</p> <p>19 _____ CHANGE: _____</p> <p>20 REASON: _____</p> <p>21</p> <p>22 _____</p> <p>23 WITNESS' SIGNATURE _____ DATE _____</p> <p>24</p> <p>25</p>

77 (Pages 302 to 305)